MONTANA LEGISLATIVE HISTORY

Chapter 407 19 85

Bill H _____ S 350 Original bill & history ✓ C

| | | | | | |
|---|---|---|---|---|---|
| H. Committee on | Business & Labor | | S. Committee on | Business & Industry | |
| Hearing Date(s) | Mar 28 | ✓ C | Hearing Date(s) | Feb 14 | ✓ C |
| | | C | | | C |
| | | C | | | C |
| | | C | | | C |
| Date Out | Mar 28 | ✓ C | | Feb 14 | ✓ C |

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

SENATE FINAL STATUS

| | | | |
|---|---|---|---|
| 4/04 | 2ND READING AMENDMENTS NOT CONCURRED | 50 | 0 |
| 4/05 | FREE CONFERENCE COMMITTEE APPOINTED | | |
| 4/16 | FREE CONFERENCE COMMITTEE REPORT | | |
| | SENATE | | |
| 4/17 | 2ND READING FREE CONFERENCE COMMITTEE REPORT ADOPTED | 49 | 0 |
| 4/18 | 3RD READING FREE CONFERENCE COMMITTEE REPORT ADOPTED | 48 | 1 |
| | HOUSE | | |
| 4/16 | 2ND READING FREE CONFERENCE COMMITTEE REPORT ADOPTED | 84 | 7 |
| 4/17 | 3RD READING FREE CONFERENCE COMMITTEE REPORT ADOPTED | 85 | 8 |
| 4/25 | SIGNED BY PRESIDENT | | |
| 4/25 | SIGNED BY SPEAKER | | |
| 4/25 | TRANSMITTED TO GOVERNOR | | |
| 4/30 | SIGNED BY GOVERNOR | | |
| | CHAPTER NUMBER 640 EFFECTIVE DATE: 4/30/85 | | |

SB 350 INTRODUCED BY CRIPPEN, KEYSER
IMPOSITION OF FINES FOR VIOLATIONS OF MONTANA SECURITIES ACT
BY REQUEST OF SECURITIES DIVISION

| | | | |
|---|---|---|---|
| 2/07 | INTRODUCED | | |
| 2/08 | REFERRED TO BUSINESS & INDUSTRY | | |
| 2/11 | FISCAL NOTE REQUESTED | | |
| 2/14 | HEARING | | |
| 2/14 | COMMITTEE REPORT-BILL PASS AS AMENDED | | |
| 2/15 | FISCAL NOTE RECEIVED | | |
| 2/16 | 2ND READING PASS | 47 | 0 |
| 2/19 | 3RD READING PASS | 44 | 0 |
| | TRANSMITTED TO HOUSE | | |
| 2/27 | REFERRED TO BUSINESS & LABOR | | |
| 3/28 | HEARING | | |
| 3/28 | COMMITTEE REPORT-BILL CONCURRED | | |
| 3/30 | 2ND READING CONCURRED | 93 | 0 |
| 4/01 | 3RD READING CONCURRED | 99 | 0 |
| | RETURNED TO SENATE | | |
| 4/05 | SIGNED BY PRESIDENT | | |
| 4/08 | SIGNED BY SPEAKER | | |
| 4/08 | TRANSMITTED TO GOVERNOR | | |
| 4/10 | SIGNED BY GOVERNOR | | |
| | CHAPTER NUMBER 407 EFFECTIVE DATE: 4/10/85 | | |

SB 351 INTRODUCED BY KEATING
RESTITUTION TO VICTIMS OF ACCIDENTS CAUSED BY UNINSURED MOTORISTS

| | | | |
|---|---|---|---|
| 2/07 | INTRODUCED | | |
| 2/08 | REFERRED TO JUDICIARY | | |
| 2/15 | HEARING | | |
| 2/15 | ADVERSE COMMITTEE REPORT | 39 | 8 |
| 2/15 | BILL KILLED | | |

SENATE BILL NO. 350

INTRODUCED BY CRIPPEN, KEYSER

BY REQUEST OF THE SECURITIES DIVISION OF THE STATE AUDITOR'S OFFICE

IN THE SENATE

| | |
|---|---|
| February 8, 1985 | Introduced and referred to Committee on Business and Industry. |
| February 11, 1985 | Fiscal Note requested. |
| February 14, 1985 | Committee recommend bill do pass as amended. Report adopted. |
| February 15, 1985 | Fiscal Note returned. |
| | Bill printed and placed on members' desks. |
| February 16, 1985 | Second reading, do pass. |
| February 18, 1985 | Considered correctly engrossed. |
| February 19, 1985 | Third reading, passed. Ayes, 44; Noes, 0. |
| | Transmitted to House. |

IN THE HOUSE

| | |
|---|---|
| February 27, 1985 | Introduced and referred to Committee on Business and Labor. |
| March 28, 1985 | Committee recommend bill be concurred in. Report adopted. |
| March 30, 1985 | Second reading, concurred in. |
| April 1, 1985 | Third reading, concurred in. |
| | Returned to Senate. |

IN THE SENATE

April 1, 1985 Received from House.

April 2, 1985 Sent to enrolling.

Reported correctly enrolled.

Senate BILL NO. 350

INTRODUCED BY Cooper Keyser

BY REQUEST OF THE SECURITIES DIVISION OF THE STATE AUDITOR'S OFFICE

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE IMPOSITION OF FINES BY THE SECURITIES COMMISSIONER UPON A FINDING THAT THE SECURITIES ACT OF MONTANA HAS BEEN VIOLATED OR UPON THE REVOCATION OR SUSPENSION OF THE LICENSE OF A BROKER-DEALER, SALESMAN, OR INVESTMENT ADVISER; PROVIDING SANCTIONS FOR FAILURE TO PAY SUCH FINES; AMENDING SECTIONS 30-10-201 AND 30-10-305, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 30-10-201, MCA, is amended to read:

"30-10-201. Registration of broker-dealers, salesmen, and investment advisers. (1) It is unlawful for any person to transact business in this state as a broker-dealer or salesman, except in transactions exempt under 30-10-105, unless he is registered under parts 1 through 3 of this chapter.

(2) It is unlawful for a broker-dealer or issuer to employ a salesman to represent him in this state, except in transactions exempt under 30-10-105, unless the salesman is registered under parts 1 through 3 of this chapter.

(3) It is unlawful for any person to transact business in this state as an investment adviser unless:

(a) he is so registered under parts 1 through 3 of this chapter;

(b) he is registered as a broker-dealer under parts 1 through 3 of this chapter; or

(c) his only clients in this state are investment companies, as defined in the Investment Company Act of 1940, or insurance companies.

(4) A broker-dealer or a salesman, acting as an agent for an issuer or as an agent for a broker-dealer in the offer or sale of securities for an issuer, or an investment adviser may apply for registration by filing with the commissioner an application in such form as the commissioner prescribes and payment of the fee prescribed in 30-10-209. Except for persons in the employ of brokerage firms governed by the regulations of the securities and exchange commission, all salesmen must be legal residents of this state and must have actually resided in this state for a period of at least 1 year next prior to the date of application for registration. The commissioner may, upon request and for good cause shown by an applicant, waive the residency requirement. A salesman acting as agent for an issuer or broker-dealer who is not currently in compliance



LC 1735/01



INTRODUCED BILL
SB 350

with the financial responsibility requirements prescribed by the Securities Exchange Act of 1934 and by regulations adopted under it, may, in the discretion of the commissioner, be required to file with the commissioner a bond of a surety company duly authorized to transact business in this state. The bond shall be in an amount determined by the commissioner, payable to the state of Montana and conditioned upon the faithful compliance with the provisions of parts 1 through 3 of this chapter, and provide that upon failure to so comply, the salesman shall be liable to any and all persons who may suffer loss by reason thereof.

(5) The application shall contain whatever information the commissioner requires.

(6) When the registration requirements are complied with, the commissioner shall approve the registration.

(7) Registration of a broker-dealer, salesman, or investment adviser shall be effective until December 31 following such registration or such other time as the commissioner may by rule adopt and may be renewed. The registration of a salesman is not effective during any period when he is not associated with an issuer or a registered broker-dealer specified in his application. When a salesman begins or terminates a connection with an issuer or registered broker-dealer, the salesman and the issuer or





broker-dealer shall promptly notify the commissioner.

(8) Registration of a broker-dealer, salesman, or investment adviser may be renewed by filing with the commissioner prior to the expiration thereof an application containing such information as the commissioner may require to indicate any material change in the information contained in the original application or any renewal application for registration as a broker-dealer, salesman, or investment adviser filed with the commissioner by the applicant, payment of the prescribed fee, and, in the case of a broker-dealer, by filing a financial statement showing the financial condition of such broker-dealer as of a date within 90 days. A registered broker-dealer or investment adviser may file an application for registration of a successor, to become effective upon approval of the commissioner.

(9) Every registered broker-dealer and investment adviser shall make and keep such accounts and other records, except with respect to securities exempt under 30-10-104(1), as may be prescribed by the commissioner. All records so required shall be preserved for 3 years unless the commissioner prescribes otherwise for particular types of records. All the records of a registered broker-dealer or investment adviser are subject at any time or from time to time to such reasonable periodic, special, or other

examinations, within or without this state, by representatives of the commissioner, as the commissioner considers necessary or appropriate in the public interest or for the protection of investors.

(10) The commissioner may by order deny, suspend, or revoke registration of any broker-dealer, salesman, or investment adviser if he finds that the order is in the public interest and that the applicant or registrant or, in the case of a broker-dealer or investment adviser, any partner, officer, or director:

(a) has filed an application for registration under this section which, as of its effective date or as of any date after filing in the case of an order denying effectiveness, was incomplete in any material respect or contained any statement which was, in the light of the circumstances under which it was made, false or misleading with respect to any material fact;

(b) has willfully violated or willfully failed to comply with any provision of parts 1 through 3 of this chapter or a predecessor law or any rule or order under parts 1 through 3 of this chapter or a predecessor law;

(c) has been convicted of any misdemeanor involving a security or any aspect of the securities business or any felony;

(d) is permanently or temporarily enjoined by any





court of competent jurisdiction from engaging in or continuing any conduct or practice involving any aspect of the securities business;

(e) is the subject of an order of the commissioner denying, suspending, or revoking registration as a broker-dealer, salesman, or investment adviser;

(f) is the subject of an order entered within the past 5 years by the securities administrator of any other state or by the federal securities and exchange commission denying or revoking registration as a broker-dealer, salesman, or investment adviser or the substantial equivalent of those terms as defined in parts 1 through 3 of this chapter or is the subject of an order of the federal securities and exchange commission suspending or expelling him from a national securities exchange or national securities association registered under the Securities Exchange Act of 1934 or is the subject of a United States post office fraud order, but:

(i) the commissioner may not institute a revocation or suspension proceeding under this subsection (f) more than 1 year from the date of the order relied on; and

(ii) he may not enter any order under this subsection (f) on the basis of an order unless that order was based on facts which would currently constitute a ground for an order under this section;

(g) has engaged in dishonest or unethical practices in the securities business;

(h) is insolvent, either in the sense that his liabilities exceed his assets or in the sense that he cannot meet his obligations as they mature, but the commissioner may not enter an order against a broker-dealer or investment adviser under this subsection (h) without a finding of insolvency as to the broker-dealer or investment adviser;

(i) has not complied with a condition imposed by the commissioner under this section or is not qualified on the basis of such factors as training, experience, or knowledge of the securities business; or

(j) has failed to pay the proper filing fee, but the commissioner may enter only a denial order under this subsection (j), and he shall vacate any such order when the deficiency has been corrected.

(11) Upon the entry of the order under subsection (10) of this section, the commissioner shall promptly notify the applicant or registrant, as well as the employer or prospective employer if the applicant or registrant is a salesman, that it has been entered and of the reasons therefor and that if requested by the applicant or registrant within 15 days after the receipt of the commissioner's notification the matter will be promptly set down for hearing. If no hearing is requested within 15 days





and none is ordered by the commissioner, the order will remain in effect until it is modified or vacated by the commissioner. If a hearing is requested or ordered, the commissioner, after notice of and opportunity for hearing, may affirm, modify, or vacate the order.

(12) If the commissioner finds that any registrant or applicant for registration is no longer in existence or has ceased to do business as a broker-dealer, investment adviser, or salesman or is subject to an adjudication of mental incompetence or to the control of a committee, conservator, or guardian or cannot be located after reasonable search, the commissioner may by order cancel the registration or application.

(13) The commissioner may, after suspending or revoking registration of any broker-dealer, salesman, or investment adviser under subsection (10), impose a fine not to exceed $5,000 upon such broker-dealer, salesman, or investment adviser. The fine is in addition to all other penalties imposed by the laws of this state and must be collected by the commissioner in the name of the state of Montana and deposited in the general fund. Imposition of any fine under this subsection is an order from which an appeal may be taken pursuant to 30-10-308. If any broker-dealer, salesman, or investment adviser fails to pay a fine referred to in this subsection, the amount of the fine is a first lien upon

all of the assets and property of such broker-dealer, salesman, or investment adviser in this state and may be recovered by suit by the commissioner and deposited in the general fund. Failure of a broker-dealer, salesman, or investment adviser to pay a fine also constitutes a forfeiture of his right to do business in this state under parts 1 through 3 of this chapter."

Section 2. Section 30-10-305, MCA, is amended to read:

"30-10-305. Injunctions and other remedies. (1) Whenever it appears to the commissioner that any person has engaged or is about to engage in any act or practice constituting a violation of any provision of parts 1 through 3 of this chapter or any rule or order hereunder, he may in his discretion:

(a) issue an order directing the person to cease and desist from continuing the act or practice after reasonable notice and opportunity for a hearing. The commissioner may issue a temporary order pending the hearing that remains in effect until 10 days after any hearing is held or that becomes final if the person to whom notice is addressed does not request a hearing within 15 days after receipt of the notice; or

(b) without the issuance of a cease and desist order, bring an action in any court of competent jurisdiction to enjoin any such acts or practices and to enforce compliance





with parts 1 through 3 of this chapter or any rule or order hereunder. Upon a proper showing, a permanent or temporary injunction, restraining order, or writ of mandamus shall be granted and a receiver or conservator may be appointed for the defendant or the defendant's assets. The commissioner may not be required to post a bond. If the commissioner prevails, he is entitled to reasonable attorneys' fees as fixed by the court.

(2) A final judgment or decree, criminal or civil, determining that a person has violated parts 1 through 3 of this chapter in an action brought by the commissioner for such violation, other than a consent judgment or decree entered before trial, is prima facie evidence against that person in an action brought against him under 30-10-307.

(3) The commissioner may, after giving reasonable notice and an opportunity for a hearing under this section, impose a fine not to exceed $5,000 per violation upon a person found to have engaged in any act or practice constituting a violation of any provision of parts 1 through 3 of this chapter or any rule or order issued under parts 1 through 3 of this chapter. The fine is in addition to all other penalties imposed by the laws of this state and must be collected by the commissioner in the name of the state of Montana and deposited in the general fund. Imposition of any fine under this subsection is an order from which an appeal

may be taken pursuant to 30-10-308. If any person fails to pay a fine referred to in this subsection, the amount of the fine is a first lien upon all of the assets and property of such person in this state and may be recovered by suit by the commissioner and deposited in the general fund. Failure of the person to pay a fine also constitutes a forfeiture of his right to do business in this state under parts 1 through 3 of this chapter."

NEW SECTION. Section 3. Extension of authority. Any existing authority of the securities commissioner to make rules on the subject of the provisions of this act is extended to the provisions of this act.

NEW SECTION. Section 4. Effective date. This act is effective on passage and approval.

-End-

STATE OF MONTANA

# F I S C A L  N O T E

REQUEST NO. FNN402-85

Form BD-15

In compliance with a written request received February 11 19 85, there is hereby submitted a Fiscal Note for S.B. 350 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

## DESCRIPTION OF PROPOSED LEGISLATION:

Senate Bill 350 is an act to provide for the imposition of fines by the Securities Commissioner upon a finding that the Securities Act has been violated or upon the revocation or suspension of the license of a broker-dealer, salesman, or investment advisor.

## ASSUMPTIONS:

1. There are four types of enforcement actions which could result in fines: (1) revocation, suspension, or denial of a license; (2) cease and desist order; (3) consent order; and (4) permanent injunction.
2. There will always be a fine on a revocation or suspension.
3. There will be at least two violations per order.
4. There will be an average of three violations, per person, per order.
5. There will always be a fine in an injunction proceeding.
6. There will always be a fine in a consent order.
7. Sixty percent of fines imposed will be collected.
8. An average fine is $250, per person, per violation.
9. The cost of imposing the fine can be absorbed without additional funds, as can the collection of the fines, unless the Commissioner requires court enforcement.

## FISCAL IMPACT:

| | FY 1986 | | FY 1987 | |
|---|---|---|---|---|
| | Current Law | Proposed Law | Current Law | Proposed Law |
| General Fund Revenue | $ -0- | $ 9,450 | $ -0- | $ 12,600 |
| Operating Expenditures | -0- | 500 | -0- | 500 |
| Net Increase in General Fund Revenue | $ -0- | $ 8,950 | $ -0- | $ 12,100 |

David L. Hunter

BUDGET DIRECTOR
Office of Budget and Program Planning

Date: Feb 15, 1985

FN8:J/1

S 13.350

MINUTES OF THE MEETING
BUSINESS & INDUSTRY COMMITTEE
MONTANA STATE SENATE

February 14, 1985

The 21st meeting of the Business & Industry Committee met on February 14 in Room 410 of the Capitol Building at 10 a.m. Chairman Mike Halligan called the meeting to order

ROLL CALL: All committee members were present. Senator Cecil Weeding is now an official voting member of the committee making a total of eleven members.

CONSIDERATION OF SENATE BILL 350: Senator Bruce Crippen, Senate District 45 from Billings, is the sponsor of this bill at the request of the securities division of the State Auditor's office. This act provides for the imposition of fines by the securities commissioner upon finding that a securities act has been violated or upon the revocation or suspension of the license of a broker-dealer, salesman, or investment adviser. He added that a fine can be imposed only after a hearing has been held, and only after it has been appealed and the amount will be limited to $500 per violation. He felt that possibly the word "first" should be struck before "lien" in two sections of the bill.

PROPONENTS: Kim Schulke, Staff Attorney for the State Auditor's Office, stated this will enable them to impose a fine when violations occur and provide an additional remedy for the securities department to be reimbursed for expenses whenever a violation occurs.

OPPONENTS: There were no opponents to Senate Bill 350.

Questions were then called for. Rick Tucker, Deputy Director of the Securities Commission, explained that the lien does not provide a problem for them but for out-of-state violators it is perhaps the only remedy for compensation if they do not have property in the state. Senator Halligan asked if the $500 was enough and Kim Schulke replied they were looking more for a penalization rather than a felony and felt that $500 was adequate. Senator Crippen closed the hearing on Senate Bill 350.

CONSIDERATION OF SENATE BILL 399: Senator Bruce Crippen, Senate District 45 from Billings, introduced this bill at the request of the Securities Division of the State Auditor's Office. This bill will generally revise the laws relating to securities. He explained there are four areas he wanted to make note of. The first deals with the exemption securities just making it conform with the language of the uniform securities act. The second creates a new exemption which would exempt from registration those securities meeting the criteria which is the electronic marketplace. The third, on page 15, clarifies when the small offering exemption is available. On page 29 there is new language which allows a securities registrant to sell securities in excess of the amount registered.

PROPONENTS: Kim Schulke, Staff Attorney for the State Auditor's Office, explained in more detail the changes being proposed. (EXHIBIT 1) She also turned in several letters they had received supporting this revision of security laws. (EXHIBIT 2) Doug James, a Billings attorney representing the National Association of Security Dealers, or NASD, expressed their support for this bill. Montana first adopted laws in 1962 for these securities but since then there have been many technological changes, especially NSDAQ, the equivalent of the New York Stock Exchange using computer technology. This bill would correct the inequities that now exist and allow better information and service to Montana customers. He also turned in letters of support. (EXHIBIT 3) Robert Minto, an Attorney from Missoula, who works closely with securities strongly supported this measure. Gene Hufford, from D.A. Davidson, supports the measure also. Mike DaSilva, with G.T. Murray in Helena, stated it would allow them to sell to their clients and offer them a much better variety of securities and urged support. Dale Harris, Deputy Admininstrator of the Economic Development Board, appeared on behalf of Keith Colbo, Director of the Department of Commerce, urging support of the measure because of the benefits it will provide to the people of Montana and help raise the equity capital of our state.

OPPONENTS: There were no opponents to this bill.

Questions were then called for. Senator Neuman wanted to know if by eliminating fees the process was still done. Kim Schulke explained the filing of an annual statement is no longer required but it is the processing of the fee that takes the time as they have an extensive receipting procedure. Senator Christiaens wanted to know how they came up with "three times the amount" language in the bill and was told this from language that other states have adopted. Senator Halligan asked Doug James who plugged the information into the computer and he explained if a market meets the criteria then their information is put into computers and fed to the brokerage firms. Senator Crippen closed the hearing on Senate Bill 399.

DISPOSITION OF SENATE BILL 399: Senator Thayer then moved TO PASS the amendment to strike 30-10-201(1) from page 30, line 18 and insert 30-10-201(4). This motion carried. Senator Goodover then moved that Senate Bill 399 PASS AS AMENDED. The motion carried. (EXHIBIT 4)

DISPOSITION OF SENATE BILL 350: Senator Kolstad then moved TO PASS an amendment to strike the word "first" on page 8, line 25, and on page 11, line 3. The motion carried. Senator Kolstad then moved to PASS AS AMENDED Senate Bill 350. (EXHIBIT 5)

CONSIDERATION OF SENATE BILL 340: Senator Bob Brown, Senate District 2, Whitefish, is the principal sponsor of this bill. It will authorize that public moneys can be invested in credit

BUSINESS & INDUSTRY COMMITTEE

49th LEGISLATIVE SESSION -- 1985 Date 2/14/85

SENATE SEAT #

| NAME | PRESENT | ABSENT | EXCUSED |
|---|---|---|---|
| Chairman Halligan | X | | |
| V-chrm. Christiaens | X | | |
| Senator Boylan | X | | |
| Senator Fuller | X | | |
| Senator Gage | X | | |
| Senator Goodover | X | | |
| Senator Kolstad | X | | |
| Senator Neuman | X | | |
| Senator Thayer | X | | |
| Senator Williams | X | | |
| Senator Weeding | X | | |
| | | | |
| | | | |
| | | | |
| | | | |

Each day attach to minutes.

# STANDING COMMITTEE REPORT

February 14 19 85

MR. PRESIDENT

We, your committee on BUSINESS & INDUSTRY

having had under consideration SENATE BILL No. 350

first reading copy ( white color )

IMPOSITION OF FINES FOR VIOLATIONS OF MONTANA SECURITIES ACT

Respectfully report as follows: That SENATE BILL No. 350

be amended as follows:

1. Page 8, line 25.
Following: "a"
Strike: "first"

2. Page 11, line 3.
Following: "a"
Strike: "first"

AND AS AMENDED

DO PASS

~~DO NOT PASS~~

Mike Halligan Chairman.

MINUTES OF THE MEETING
BUSINESS AND LABOR COMMITTEE
MONTANA STATE
HOUSE OF REPRESENTATIVES

March 28, 1985

The meeting of the Business and Labor Committee was called to order by Chairman Bob Pavlovich on March 28, 1985 at 8:00 a.m. in Room 312-2 of the State Capitol.

ROLL CALL: All members were present.

SENATE BILL 350: Hearing commenced on Senate Bill 350. Senator Bruce Crippen, District #45, sponsor of the bill, explained this provides for imposition of fines when the Securities Act has been violated and after suspension of a license. A $500 per violation fine is included.

Proponent Kim Schulke, Staff Attorney, Office of the State Auditor, Securities Department, explained this will give the department the opportunity to recoup some of their expenses spent investigating.

Representative Schultz asked Kim Schulke what recourse the purchaser may have. Ms. Schulke explained the department may issue an order to get the purchasers money returned.

There being no further discussion by proponents and no opponents, all were excused by the chairman and the hearing on Senate Bill 350 was closed.

ACTION ON SENATE BILL 350: Representative Kitselman moved DO PASS on Senate Bill 350. Second was received, Senate Bill 350 will BE CONCURRED IN by unanimous vote.

ACTION ON SENATE BILL 129: Representative Howe stated the subcommittee did meet and were waiting to hear Senate Joint Resolution 31. Representative Driscoll moved to amend on the statement of intent, line 23, and explained the financial statement should be enough. Representative Bachini added that the clerk and recorders are against the bill due to the loss of money and the fee must be adjusted to make this work. Representative Bachini moved DO NOT PASS on Senate Bill 129. Representative Brandewie stated this is not a clerk and recorder bill and that they did get a raise in filing fees this session. Representative Ellerd offered a substitute motion that Senate Bill 129 DO PASS and moved the amendments attached hereto as Exhibit 1 and 2. He added there is no protection

DAILY ROLL CALL

BUSINESS AND LABOR COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date March 28, 1985

| NAME | PRESENT | ABSENT | EXCUSED |
|---|---|---|---|
| Bob Pavlovich | ✓ | | |
| Les Kitselman | ✓ | | |
| Bob Bachini | ✓ | | |
| Ray Brandewie | ✓ | | |
| Jan Brown | ✓ | | |
| Jerry Driscoll | ✓ | | |
| Robert Ellerd | ✓ | | |
| William Glaser | ✓ | | |
| Stella Jean Hansen | ✓ | | |
| Marjorie Hart | ✓ | | |
| Ramona Howe | ✓ | | |
| Tom Jones | ✓ | | |
| Mike Kadas | ✓ | | |
| Vernon Keller | ✓ | | |
| Lloyd McCormick | ✓ | | |
| Jerry Nisbet | ✓ | | |
| James Schultz | ✓ | | |
| Bruce Simon | ✓ | | |
| Fred Thomas | ✓ | | |
| Norm Wallin | ✓ | | |
| | | | |
| | | | |
| | | | |
| | | | |

# STANDING COMMITTEE REPORT

March 29 19 85

MR. SPEAKER:

We, your committee on BUSINESS AND LABOR

having had under consideration SENATE Bill No. 350

third reading copy ( blue color )

IMPOSITION OF FINES FOR VIOLATIONS OF MONTANA SECURITIES ACT

Respectfully report as follows: That SENATE Bill No. 350

DO PASS:
BE CONCURRED IN

Rep. Bob Pavlovich, Chairman.

STATE PUB. CO.
Helena, Mont.

COMMITTEE SECRETARY